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10/036,008	12/26/2001	Andres Palomo	22033-1-0010	2433
26135	7590	05/16/2006	EXAMINER	
LOTT & FRIEDLAND, P.A. P.O. BOX 141098 CORAL GABLES, FL 33114-1098			KOPPIKAR, VIVEK D	
			ART UNIT	PAPER NUMBER
			3626	
DATE MAILED: 05/16/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/036,008	<b>Applicant(s)</b> PALOMO ET AL.	
	<b>Examiner</b> Vivek D. Koppikar	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/28/02&amp;4/20/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Status of the Application***

1. Claims 1-73 have been examined in this application. The Information Disclosure Statement (IDS) statement filed on January 28, 2002 and April 20, 2004 have been acknowledged.

### ***Claim Objections***

2. Claims 9, 24, 32, 46, 53, 66 and 73 are objected to because of the following informalities: These claims use the term “etc.” which is an open-ended term which, hence, renders these claim indefinite. The examiner recommends amending these claims so that “etc.” is not recited within the bodies of these claims. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-47, 49-54, 56-69 and 71-73 rejected under 35 U.S.C. 102(a) as being anticipated by US Patent Number 6,658,432 to Alavi.

(A) As per claim 1, Alavi teaches a computer-implemented system for improving the efficiency of a business (Abstract and Col. 1, Ln. 15-24) comprising:

a local computer operationally connected to a network of computers, wherein said local computer is used for data input and retrieval (Col. 3, Ln. 14-26);

a relational database, wherein said relational database is operationally connected to said local computer and receives data input and requests for data from said local computer (Col. 3, Ln. 27-46);

a server computer wherein said server computer is operationally connected to said relational database and said local computer, wherein said server computer is capable of being accessed by multiple computers through said network (Col. 3, Ln. 47-62); and,

application software designed for inclusionary data entry, data retrieval and report generation, wherein said report generation is accomplished by accessing said relational database and the inclusionary data stored thereon (Col. 5, Ln. 9-32).

(B) As per claim 2, in Alavi the local computer is a handheld computer (Col. 2, Ln. 23-30).

(C) As per claim 3, in Alavi the system capable of being integrated with modular software components for billing, pharmacy integration, document imaging and security (Col. 2, Ln. 62-67).

(D) As per claim 4, in Alavi the network can be a local area network, wide area network or a global network of computers (Col. 3, Ln. 47-62).

(E) As per claim 5, in Alavi the application software is further designed to restrict access to system files according to a hierarchical file access control (Col. 7, Ln. 24-29)

(F) As per claim 6, in Alavi the computer-implemented system of the application software is further designed to restrict access to system files according to pre-defined workflow constraints (, Ln. 29-32 and Col. 7, Ln. 13-27).

(G) As per claim 7, in Alavi the application software is further designed to include a scheduler which is capable of providing data to a system user at a pre-appointed time and place (Col. 3, Ln. 7-9).

(H) As per claim 8, in Alavi the application software report generation capability also includes report generation for statistical analysis of all or a portion of the data in said relational database (Col. 4, Ln. 10-32).

(I) As per claim 9, in Alavi the application software utilizes an automatic diagnosis tool to take information entered by a system user and group the appropriate elements into a pool of test results, findings, etc., that will in turn generate a proposed and suggested final outcome that can be modified by said system user (Col. 5, Ln. 9-17).

(J) As per claims 10 and 11, Alavi teaches a computer-implemented system for improving the efficiency of a medical service provider (Abstract and Col. 1, Ln. 15-24) comprising:

a local computer operationally connected to a network of computers, wherein said local computer is used for data input and retrieval (Col. 3, Ln. 14-26);

a relational database, wherein said relational database is operationally connected to said local computer and receives data input and requests for data from said local computer (Col. 3, Ln. 27-46);

a server computer wherein said server computer is operationally connected to said relational database and said local computer, wherein said server computer is capable of being accessed by multiple computers through said network (Col. 3, Ln. 47-62); and,

application software designed for inclusionary data entry, data retrieval and report

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generation, wherein said report generation is accomplished by accessing said relational database and the inclusionary data stored thereon (Col. 5, Ln. 9-32).

As per claim 11, the local computer is a handheld computer (Col. 2, Ln. 23-30).

(K) As per claims 12-17, the system of Alavi is used by various businesses (Col. 1, Ln. 7-15 and Col. 2, Ln. 62-Col. 3, Ln. 6)

(L) As per claim 18, in Alavi the system is capable of being integrated with modular software components for billing, pharmacy integration, document imaging and security (Col. 2, Ln. 23-30).

(M) As per claim 19, in Alavi the network can be a local area network, wide area network or a global network of computers (Col. 3, Ln. 47-62).

(N) As per claim 20, in Alavi the application software is further designed to restrict access to system files according to a hierarchical file access control (Col. 7, Ln. 24-29).

(O) As per claim 21, in Alavi the application software is further designed to restrict access to system files according to pre-defined workflow constraints (Col. 5, Ln. 29-32 and Col. 7, Ln. 13-27).

(P) As per claim 22, in Alavi the application software is further designed to include a scheduler which is capable of providing data to a system user at a pre-appointed time and place (Col. 3, Ln. 7-9).

(Q) As per claim 23, in Alavi the application software report generation capability also includes report generation for statistical analysis of all or a portion of the data in said relational database (Col. 5, Ln. 10-32).

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(R) As per claim 24, in Alavi the application software utilizes an automatic diagnosis tool to take information entered by a system user and group the appropriate elements into a pool of test results, findings, etc., that will in turn generate a proposed and suggested final outcome that can be modified by said system user (Col. 5, Ln. 9-17).

(S) As per claim 25, Alavi teaches a computer-implemented system for improving the efficiency of a business (Abstract and Col. 1, Ln. 15-24) comprising:

a local computer, wherein said local computer is used for data input and retrieval (Col. 3, Ln. 14-26);

a relational database, wherein said relational database is operationally connected to said local computer and receives data input and requests for data from said local computer (Col. 3, Ln. 27-46);

a server computer wherein said server computer is operationally connected to said relational database and said local computer (Col. 3, Ln. 47-62); and,

application software designed for inclusionary data entry, data retrieval and report generation, wherein said report generation is accomplished by accessing said relational database and the inclusionary data stored thereon (Col. 5, Ln. 9-32).

(T) As per claim 26, in Alavi the local computer is a handheld computer (Col. 2, Ln. 23-30).

(U) As per claim 27, in Alavi the system is capable of being integrated with modular software components for billing, pharmacy integration, document imaging and security (Col. 2, Ln. 62-67).

(V) As per claim 28, in Alavi the application software is further designed to restrict access to system files according to a hierarchical file access control (Col. 7, Ln. 24-29).

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(W) As per claim 29, in Alavi the application software is further designed to restrict access to system files according to pre-defined workflow constraints (Col. 5, Ln. 29-32 and Col. 7, Ln. 13-27).

(X) As per claim 30, in Alavi the application software is further designed to include a scheduler which is capable of providing data to a system user at a pre-appointed time and place (Col. 3, Ln. 7-9).

(Y) As per claim 31, in Alavi the application software report generation capability also includes report generation for statistical analysis of all or a portion of the data in said relational database (Col. 5, Ln. 10-32).

(Z) As per claim 32, in Alavi the application software utilizes an automatic diagnosis tool to take information entered by a system user and group the appropriate elements into a pool of test results, findings, etc., that will in turn generate a proposed and suggested final outcome that can be modified by said system user (Col. 5, Ln. 9-17).

(A1) As per claim 33, Alavi teaches a computer-implemented system for improving the efficiency of a medical service provider (Abstract and Col. 1, Ln. 15-24) comprising:

a local computer, wherein said local computer is used for data input and retrieval (Col. 3, Ln. 14-26);

a relational database, wherein said relational database is operationally connected to said local computer and receives data input and requests for data from said local computer (Col. 3, Ln. 27-46);

a server computer wherein said server computer is operationally connected to said relational database and said local computer (Col. 3, Ln. 47-62); and,



application software designed for inclusionary data entry, data retrieval and report generation, wherein said report generation is accomplished by accessing said relational database and the inclusionary data stored thereon (Col. 5, Ln. 9-32).

(A2) As per claim 34, in Alavi the local computer is a handheld computer (Col. 2, Ln. 23-30).

(A3) As per claim 35, in Alavi the system is capable of being integrated with modular software components for billing, pharmacy integration and security (Col. 2, Ln. 62-67).

(A4) As per claims 36-41, the system of Alavi is used by various businesses (Col. 1, Ln. 7-15 and Col. 2, Ln. 62-Col. 3, Ln. 6)

(A5) As per claim 42, in Alavi the application software is further designed to restrict access to system files according to a hierarchical file access control (Col. 7, Ln. 24-29).

(A6) As per claim 43, in Alavi the application software is further designed to restrict access to system files according to pre-defined workflow constraints (Col. 5, Ln. 29-32 and Col. 7, Ln. 13-27).

(A7) As per claim 44, in Alavi application software is further designed to include a scheduler which is capable of providing data to a system user at a pre-appointed time and place (Col. 3, Ln. 7-9).

(A8) As per claim 45, in Alavi the application software report generation capability also includes report generation for statistical analysis of all or a portion of the data in said relational database (Col. 5, Ln. 10-32).

(A9) As per claim 46, in Alavi the application software utilizes an automatic diagnosis tool to take information entered by a system user and group the appropriate elements into a pool of test

results, findings, etc., that will in turn generate a proposed and suggested final outcome that can be modified by said system user (Col. 5, Ln. 9-17).

(A10) As per claim 47, Alavi teaches a method for improving the efficiency of a business (Abstract and Col. 1, Ln. 15-24) comprising:

acquiring data to be input utilizing an inclusionary method (Col. 3, Ln. 14-26) ; inputting inclusionary data into a relational database (Col. 3, Ln. 14-26);  
processing data, wherein said processing is accomplished by a software application designed for inclusionary data entry, data retrieval and report generation, said report generation accomplished by accessing said relational database and the inclusionary data stored thereon (Col. 3, Ln. 14-26);

accessing the data via a non-platform specific browser; and, generating reports from the data at the request of said software application, wherein said report generation is performed in a standardized, preformatted manner (Col.. 3, Ln. 47-62 and Col. 4, Ln. 9-32).

(A11) As per claim 49, in Alavi the data retrieval and accessing the data are governed by a hierarchical file access control (Col. 7, Ln. 24-29).

(A12) As per claim 50, in Alavi the data retrieval and accessing the data are governed according to pre-defined workflow constraints (Col. 5, Ln. 29-32 and Col. 7, Ln. 13-27).

(A13) As per claim 51, in Alavi the step of processing data further includes providing data to a system user at a pre-appointed time and place (Col. 3, Ln. 7-9).

(A14) As per claim 52, in Alavi the report generation includes statistical analysis of all or a portion of the data in said relational database (Col. 4, Ln. 10-32).

(A15) As per claim 53, in Alavi the step of processing takes information entered by a system user, groups the appropriate elements into a pool of test results, findings, etc., and generates a proposed and suggested final outcome that can be modified by said system user (Col. 5, Ln. 9-17).

(A16) As per claim 54, a method for improving the efficiency of a medical service provider (Abstract and Col. 1, Ln. 15-24) comprising:

acquiring data to be input utilizing an inclusionary method, wherein said data is generated by a patient examination (Col. 3, Ln. 14-26);

inputting inclusionary data into a relational database; processing data, wherein said processing is accomplished by a software application designed for inclusionary data entry, data retrieval and report generation, said report generation accomplished by accessing said relational database and the inclusionary data stored thereon (Col. 3, Ln. 14-26);

accessing the data via a non-platform specific browser; and, generating reports from the data at the request of said software application, wherein said report generation is performed in a standardized, pre-formatted manner (Col. 3, Ln. 47-62 and Col. 4, Ln. 9-32).

(A17) As per claims 56-61, the method of Alavi is used by various businesses (Col. 1, Ln. 7-15 and Col. 2, Ln. 62-Col. 3, Ln. 6)

(A18) As per claim 62, in Alavi the step of data retrieval and accessing the data are governed by a hierarchical file access control (Col. 7, Ln. 24-29).

(A19) As per claim 63, in Alavi the step of data retrieval and accessing the data are governed according to pre-defined workflow constraints (Col. 5, Ln. 29-32 and Col. 7, Ln. 13-27).

(A20) As per claim 64, in Alavi the step of processing data further includes providing data to a system user at a pre-appointed time and place (Col. 3, Ln. 7-9).

(A21) As per claim 65, in Alavi the step of report generation includes statistical analysis of all or a portion of the data in said relational database (Col. 4, Ln. 10-32).

(A22) As per claim 66, in Alavi the step of processing takes information entered by a system user, groups the appropriate elements into a pool of test results, findings, etc., and generates a proposed and suggested final outcome that can be modified by said system user (Col. 5, Ln. 9-17).

(A23) As per claim 67, Alavi teaches a computer-readable medium storing computer executable instructions (Abstract and Col. 1, Ln. 55-Col. 2, Ln. 33) for performing the steps of acquiring data to be input utilizing an inclusionary method; inputting inclusionary data into a relational database (Col. 3, Ln. 14-26);

processing data (Col. 3, Ln. 14-26);

accessing the data via a non-platform specific browser; and, generating reports from the data at the request of said executable instructions, wherein said report generation is performed in a standardized, pre-formatted manner (Col. 1, Ln. 55-Col. 2, Ln. 15; Col. 4, Ln. 25-39 and , Ln. 9-32).

(A24) As per claim 68, in the device of Alavi the executable instructions are further designed to restrict access to system files according to pre-defined workflow constraints (Col. 5, Ln. 29-32 and Col. 7, Ln. 13-27).

(A25) As per claim 69, in the device of Alavi the executable instructions are further designed to provide a hierarchical file access control (Col. 7, Ln. 24-29).

(A26) As per claim 71, in the device of Alavi the executable instructions are further designed to provide data to a system user at a pre-appointed time and place (Col. 3, Ln. 7-9).

(A27) As per claim 72, in the device of Alavi the executable instructions are further designed to provide statistical analysis of all or a portion of the data in said relational database (Col. 5., Ln. 10-32).

(A28) As per claim 73, in the device of Alavi the processing takes information entered by a system user, groups the appropriate elements into a pool of test results, findings, etc., and generates a proposed and suggested final outcome that can be modified by said system user (Col. 5, Ln. 9-17).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alavi as applied to Claim 47, above, and in further view of US Patent Application Publication 2003/0181790 to David.

Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alavi as applied to Claim 54, above, and in further view of US Patent Application Publication 2003/0181790 to David.

Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alavi as applied to Claim 67, above, and in further view of US Patent Application Publication 2003/0181790 to David.

(A) As per claim 48, Alavi does not teach an additional step of generating billing with specific diagnostic codes, however, this feature is well known in the art as evidenced by David (Section [0045]). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the method of Alavi with the aforementioned step from David with the motivation of providing a more quick, efficient and reliable means of processing patient diagnoses as recited in Alavi (Section [0045]).

(B) As per claims 55 and 70, the claims repeat features previously addressed in the rejection of claim 48 and are rejected on the same basis.


### ***Conclusion***

7. Any inquire concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. The fax telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").

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8. Another resource that is available to applicants is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely, 

Vivek Koppikar

~~12/29/2005~~

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER